

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Norfolk Public Schools)	File Nos. SLD- 164284 and 165013
Norfolk, Virginia)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: March 21, 2003

Released: March 24, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Norfolk Public Schools, Norfolk, Virginia.¹ Prior to the time that Norfolk Public Schools filed its request with the Commission, it filed a request for review with the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we dismiss Norfolk Public Schools' Request for Review to the Commission without prejudice.

2. The Commission's rules regarding appeals of SLD decisions do not contemplate simultaneous requests to the Commission and the Administrator.³ In this case, because Norfolk Public Schools has a request pending before the Administrator, we dismiss Norfolk Public Schools' Request for Review to the Commission without prejudice. Once the Administrator has

¹ Letter from Dennis Fuddy, Julie Keesling, and Frederick Schmitt, Norfolk Public Schools, to Federal Communications Commission, filed December 24, 2002 (Request for Review).

² Letter from Dennis Fuddy, Julie Keesling, and Frederick Schmitt, Norfolk Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed December 23, 2002 (Request for Administrator Review).

³ 47 C.F.R. § 54.720 (allowing appeals to either the Commission or the Administrator, but tolling the filing period with the Commission, when an applicant has an appeal pending with the Administrator, until the Administrator issues a decision on the appeal).

issued its decision on Norfolk Public Schools' initial request, Norfolk Public Schools may then appeal to the Commission if it believes such appeal is warranted at that time.⁴

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Norfolk Public Schools, Norfolk, Virginia, on December 24, 2002, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert, Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rights of review, filing deadlines, standards of review, and other rules pertaining to Commission review of the Administrator's decisions).